

EXHIBIT 2



From: Michael Garrity wildrockies@gmail.com
Subject: FOIA request for Ten Mile-South Helena Project file
Date: January 31, 2019 at 12:16 PM
To: Heather R -FS hdegeest@fs.fed.us
Cc: Snellman, Ashley -FS asnellman@fs.fed.us
Bcc: [REDACTED]

January 31, 2019

Dear Ranger Degeest;

I sent the FOIA request below on December 20, 2018.

On January 31, 2019, I received a phone call from Ashley Snellman, Helena National Forest. She stated that USFS received the FOIA request below on December 21, 2018.

The FOIA statute provides 20 days to respond, excluding holidays and weekends. Therefore, the FOIA response was due on January 23, 2019. I did not receive a response by the deadline.

On January 31, 2019, Ms. Snellman requested an additional 20 days, excluding holidays and weekends, to respond.

I decline to agree to an additional 20 days, excluding holidays and weekends, to respond. The FOIA statute does allow an additional 10 days, excluding holidays and weekends, to respond in certain circumstances that do not appear to be present here. Nonetheless, in the interest of compromise, I will agree to a 10-day extension of the deadline. This means the deadline for the FOIA response is now February 6, 2019.

Thank you.

Sincerely yours,
Mike Garrity
Executive Director
Alliance for the Wild Rockies
P.O. Box 505
Helena, MT 59624

P.S. Below is the FOIA request that I sent on December 20, 2018.

December 20, 2018

Heather Degeest, Ranger
Helena National Forest
2880 Skyway Drive
Helena, MT 59601-1230

RE: FOIA for project file for the Ten Mile-South Helena Project file

Dear Ranger Degeest:

Pursuant to the federal Freedom of Information Act (5 U.S.C. 552 et. seq.), the Alliance the Wild Rockies, Inc. is filing this request for information. The Alliance for the Wild Rockies is a 501(c) (3) non-profit, public interest, public education organization.

I would like an electronic copy of the project file for the Ten Mile-South Helena Project file and would prefer the electronic copy on a USB flash drive (Thumb drive).

To my knowledge, this information is not available from any other federal, state, or public agency required to provide it. In addition, the release of this information will not result in financial benefit to the Alliance for the Wild Rockies or any individuals, groups or organizations.

As you know, the Freedom of Information Act (FOIA) provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. We expect to receive all non-exempt portions of the documents that we have requested, and ask that you justify any deletions by reference to specific exemptions allowed under the FOI Act. The Alliance for the Wild Rockies reserves the right to appeal a decision to withhold any materials.

I hereby request a fee waiver for all search and duplication fees under the FOIA regulations [5 U.S.C. Sec. 552 (a) (4) (A) and 36 CFR 2.19(c) (1)]. The information requested will benefit the citizens of the United States and is for the purpose of public education and to encourage public debate on important policy issues. The requested information will be made available to the public through the Alliance for the Wild Rockies' social media and/or our website. Information available through the Alliance's office or social media and is used in press conferences and releases, television and radio interviews, and regional and national publications, and reaches a significant number of individuals nationwide.

The language of the FOIA clearly indicates that Congress intended fees not to be a barrier to private individuals or public interest organizations seeking access to government records. In addition, the legislative history of the FOIA fee waiver language indicates that Congress intended a liberal interpretation of the phrase "Primarily benefiting the public." This suggests that all fees are to be waived whenever the release of information contributes to public debate on important policy issues. This has recently been affirmed by the US Court of Appeals for the District of Columbia, in Better Government Association v. Department of State, 780 F. 2d 86 (D.C. Cir., 1986). In that case, the Court found that under the FOIA, Congress had explicitly recognized the need for non-profit organizations to have free access to government documents and those government agencies cannot impair this free access by charging duplication or search for FOIA information requests (Id. at 89).

I appreciate your help. Thank you for your time.

Happy Holidays.

Sincerely yours,

Mike Garrity

[406 459-5936](#)